

APPROVED: Meeting No. 30-91

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 28-91

July 8, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on July 8, 1991, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

ABSENT

Councilmember James F. Coyle (Travel Leave)

Councilmember David Robbins (Travel Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The second week of the animal census has been completed, with 18 individuals participating in the public informational campaign. There was someone home at 37% of the 4,063 households visited during the first seven days. Informational materials were left at all the homes.

2. Recently, there has been an unfortunate rash of graffiti around Rockville. A suspect has been arrested and charged with defacing property at 25 locations in the City. We are working with the County Police, providing details, including photos of locations. We are also working with private property owners to offer technical assistance regarding removal of the graffiti.

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3. A second informational packet was mailed last week to individuals interested in the Cabin John Lake project. This packet included the third installment of the Cabin John Newsletter. The next public informational meeting is scheduled for July 16, and staff will pass along new and relevant information at that time. Additionally, a special program involving a panel discussion of the Cabin John Lake project is being aired on Cable Channel 53 this month.

4. Funding from the State of Maryland for the West Montgomery Avenue reconstruction project has been released. The project will go out to bid in September with a projected completion date of mid-to-late 1992.

5. With respect to two items on tonight's Consent Agenda, Item K is a proposed ordinance to amend the regulations dealing with billiard room operations in the City. Item H is the award of contract for Phase 2 of Super Service. The contract with Wright Away Refuse provides for the collection of recyclables citywide beginning on October 7, 1991. This service should not be construed as a rate increase as it has already been built into the budget.

Mayor Duncan referenced Item 10 on the Agenda, text amendment application to increase multi-family dwelling unit density in the O-1 Zone. He noted that this item would be deferred until a future meeting when all members of the Mayor and Council would be present.

Re: Presentation to Mayor and Council of "Equal Opportunity in Housing Award" of 1991. The City of Rockville was selected by the Maryland Association of Realtors to receive this award for its efforts in promoting equal opportunity in housing, and, in particular, its role in the affordable housing project at the Red Barn site.

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Mary Vaarwerk, on behalf of the Montgomery County Association of Realtors, presented the Mayor and Council with the plaque awarded to the City of Rockville for its outstanding efforts in promoting equal housing and, in particular, for the project at 114 N. Frederick Avenue (former Red Barn site). Also presented was the Governor's Citation in recognition of the City of Rockville's being awarded the "Equal Opportunity in Housing Award" from the Maryland Association of Realtors.

Lisa Taylor, Equal Opportunity Housing Chairperson for the Montgomery County Association of Realtors, was introduced.

Councilmember Hovsepian, who was instrumental in initiating the project at 114 N. Frederick Avenue, commented that she is pleased that the City was able to move forward with the project which exemplifies a true community cooperative effort.

Mayor Duncan stated that an announcement would be made tomorrow at a U.S. Conference of Mayors meeting that the City of Rockville has been selected as one of 11 cities nationwide to participate in a pilot project for affordable housing.

Re: Proclamation recognizing the
35th Anniversary of the Civitan
Club of Rockville.

Proclamation No. 16-91

By a unanimous vote of the Mayor and Council, the 35th Anniversary of the Civitan Club of Rockville on July 31, 1991 was recognized. Councilmember Marrinan read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Walter "Fritz" Moreland, President of the Civitan Club of Rockville, accepted the Proclamation along with Sid Fishman, the longest serving member of the Rockville Club and a past president of Civitan International.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

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1. Gloria Atlas, 1123 Halesworth Drive, Chairperson of the City's Planning Commission, commented regarding the plans for redesign of Courthouse Square. Upon review of the design proposal, the Planning Commission feels there are two deficiencies in the plan. The first deals with the plan to add additional parking spaces in the vicinity of the circle. The Planning Commission feels that if there is a need for more parking spaces, the plan should be modified to add more spaces to the existing ones near North Washington Street. Secondly, the Commission feels that the existing amenities, such as park benches, should not be removed.

Councilmember Hovsepien responded that the Mayor and Council had raised the same questions in terms of parking. With respect to the benches, it was the Mayor and Council's understanding that these would be replaced some time after completion of the project, but perhaps in a different manner. Staff confirmed this understanding, and Mayor Duncan commented that it is important to first determine the pedestrian flow to ensure the most viable placement of the furniture.

2. Bob Slovic, 9 Dairyfield Court, referenced the agenda item dealing with a stormwater management waiver for the Bethany House parking lot. He has reviewed on-site SWM alternatives to accomplish the same objectives at the same or less cost and provided to the Mayor and Council information regarding a system known as "The Infiltrator" which he feels would meet these objectives. He noted that, with this alternative, a system could be installed under the parking lot at Bethany House.

Councilmember Marrinan commented that this represents a fair amount of research on his part and thanked him for his input.

3. Wallace Cohen, Chadsberry Homeowners Association, referenced the proposed Montrose Park SWM facility and indicated that the association is opposed to such a facility.

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It was agreed that staff would contact the Association to schedule a formal presentation regarding this proposed facility.

4. Bob Casteel, owner of Breakers Billiards, noted the problems with the current laws governing billiard rooms with respect to persons under the age of 16. The ordinance on the evening's agenda for introduction would allow persons under the age of 17 (except during school hours) to be on the premises of a billiard room until 10:00 p.m. without being accompanied by a parent or guardian. He had requested that staff initiate this change in the law and commented that his establishment is a clean, family location.

Mayor Duncan noted that the proposed ordinance change corresponds to the age requirements for video arcades.

5. Stan Klein, 7 Lorre Court, expounded on some comments made by another resident at an earlier Citizens Forum concerning stormwater management which he felt were in the realm of "centralization versus decentralization." He described several issues in this regard, that is, whether decentralized technology works; the economies or diseconomies of scale; and maintenance or inspection of sites. The City Manager had responded earlier that the State prefers centralized or regional stormwater management facilities as opposed to on-site. Mr. Klein noted that the City should review the possible rationale of the State's preference for centralized (regional) facilities.

With respect to the earlier comments regarding the proposed Montrose Park facility, the Montrose Civic Association was briefed a number of years ago and, to Mr. Klein's knowledge, the current president of the association has not received any requests from residents for a meeting to discuss it again.

6. Randy Slovic, 9 Dairyfield Court, referenced the stormwater management waiver for the Bethany House parking lot. She commented that each waiver should be studied very carefully to see how it affects the whole system and how the watershed is impacted.

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7. Dean Packard, the civil engineer working on the Kenary Building project which is on the agenda for waiver of on-site stormwater management, stated that he has been paid to analyze alternative stormwater management methods for this site. Following an in-depth analysis, including consideration of other alternatives such as underground pipe storage and through infiltration, he concluded that applying for a waiver was the most feasible approach as long as there is adequate capacity in the SWM pond.

Mayor Duncan inquired as to whether he had an opinion regarding centralized versus decentralized facilities. Mr. Packard responded that he feels regional facilities are the best way to handle stormwater management. Underground on-site facilities do not have a long track record. Maintenance costs are very high, and many developers are not properly trained in how to maintain facilities. He would not recommend an underground system, however, unless you have a grassy area.

Mr. Packard concluded by noting that they are providing quality control on-site (Kenary Building) through an oil grit separator system.

8. William Meyer, 804 Leverton Road, noted that the City is constructing underground facilities as part of the Ritchie Parkway construction project, and he hopes that they will have a reasonable life span. At a minimum, he indicated that there should be a future City policy that on-site quality control be provided to the same standards as the Ritchie Parkway project.

There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Audrey Impara was appointed to a three-year term on the Board of Supervisors of Elections.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Alice Kelly was reappointed to a three-year term on the Historic District Commission.

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Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 27-91 (June 24, 1991) were approved, as written.

Re: Consent Agenda

Councilmember Marrinan requested that Item B be removed from the Consent Agenda. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid No. 91-91 for the construction of a regional SWM facility, Maryvale 2, to Dewey East Excavating Company, Inc., Bladensburg, Maryland, for the low bid of \$198,700.

The award of this bid will provide for the construction of Maryvale 2, a regional SWM facility in the Rock Creek watershed, located at the intersection of Longwood Drive and Crabb Avenue. The scheduled completion date is November 1, 1991. There are no impacts to wetlands involved with this facility.

- C. Approval of waiver for on-site stormwater management of the property at the Kenary Office Building and acceptance of a \$26,000 contribution to the SWM fund. Kenary and Clark propose to construct a two-story office building and expand their existing parking lot.

The runoff is conveyed by an enclosed storm drain system to the existing Rockville Heights SWM facility which has currently received waivers totalling 77.2% of its capacity which will be increased to 84.6% upon approval of this waiver. No wetlands issues are raised by granting this waiver.

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- D. Authorization to release a portion of the sanitary sewer easement on Lot 31, Block W-W, Windy Knoll Court, Rockshire, which had been inadvertently built on by the developer, WHM Land Corporation, Gaithersburg.

The City Attorney has prepared the appropriate legal documents which, when executed by the City Manager, will be filed by the developer.

- E. Authorization to approve an Encroachment Agreement for a portion of a sanitary sewer easement at 10 Dale Drive to permit construction of a home addition by the owners, Frederick and Bridget Newton.

The City Attorney has prepared the appropriate legal documents which, when executed by the City Manager, will be filed by the owners.

- F. Award of Bid No. 6-92 for the installation of three new traffic signals on Ritchie Parkway to Rommel Electric Company, Baltimore, Maryland, for the low bid of \$96,134.

This involves installation of traffic signals at the intersections of Ritchie Parkway with Tower Oaks Boulevard, W. Edmonston Drive (west leg) and W. Edmonston Drive (east leg). A completion date of December 1, 1991, is scheduled to coincide with the opening of the new roadway.

- G. Approval of the purchase of four Econolite ASC-8000 traffic signal controller packages from the Maryland State Highway Administration for a total of \$44,000.

Three of these controllers would be used for new traffic signals on Ritchie Parkway and will be installed by the contractor awarded Bid No. 6-92. The equipment at the intersection of Seven Locks Road and

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Fortune Terrace will be installed by the City's current signal maintenance contractor, Hawkins Electric Company.

- H. Award of Bid No. 5-92 to Wright Away Refuse, Inc., Gaithersburg, for providing citywide curbside collection of recyclables for the low bid cost of \$2.75 per house per month. The estimated annual cost for the first year is \$242,000. There are sufficient funds budgeted for this bid award.

The contractor will begin work on October 7, 1991. The County recycling center will be in operation this summer.

- I. Award of Bid No. 7-92, tennis and basketball courts overlay, to All Pro Courts for the low bid amount of \$49,061.78.

This project calls for the furnishing and overlaying of four tennis courts at the Civic Center and one basketball and one handball court at Lincoln Park Recreation area. There are sufficient FY91 funds budgeted for this bid award.

- J. Award of Bid No. 98-91, lockers at the Municipal Swim Center, to W.A. Hamilton Company, Inc. for the low bid amount of \$48,379.61.

This project calls for the replacement of steel lockers at the Swim Center. The budget for this project is \$50,000.

- K. Introduction of Ordinance to amend Chapter 12 of the Rockville City Code entitled "Licenses, Permits and Miscellaneous Business Regulations" so as to modify those provisions of Article III regulating the attendance of minors in pool or billiard rooms; and to transfer the responsibility of enforcing the

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provisions contained in Article X pertaining to the licensing of pet shops and kennels from the Division of Licenses and Inspection to the Neighborhood Services Division.

- L. Introduction of Ordinance to approve Text Amendment Application T-116-90, Linowes & Blocher, attorneys for First National Bank of Maryland, Applicant.

Amendments to use and development requirements of the Town Center Office-One (TCO-1) Zone to accommodate a drive-in bank.

- M. Introduction of Ordinance to issue General Obligation Bonds in an aggregate amount not to exceed \$8,500,000.

The City plans to issue \$8,500,000 of General Obligation Bonds on August 27, 1991. Underwriting bids will be accepted on August 6. The bonds are required to finance the capital improvement program, in particular the Ritchie Parkway, West Montgomery Avenue and water system upgrading projects.

- N. Introduction of Ordinance to amend Chapter 23, Section 23-22 of the Rockville City Code, entitled "Notice of violation; payment of penalty; issuance of summons" so as to increase the penalty for parking violations and to establish a separate penalty for violations of parking restriction signs designating handicapped parking only.

During recent budget worksessions, the decision was made to raise City parking fines from \$20 to \$25 and to establish a separate handicapped space fine of \$50.

Re: Approval of waiver for on-site stormwater management at Bethany House and acceptance

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of a \$9,200 contribution to the SWM fund. Christian Church Facilities proposes to expand the existing parking lot.

The runoff from this site is conveyed by enclosed storm drains to the Old Farm tributary of Cabin John Creek. The proposed Montrose Park SWM facility will provide quantity and quality control. This proposed facility is scheduled for completion in FY98, and has currently received waivers totalling 21% of its capacity which will be increased to 24% upon approval of this waiver.

Councilmember Marrinan had requested that this item (B) be removed from the Consent Agenda to refer to staff's response to two questions raised at the last meeting by Councilmember Hovsepian, that is:

1. The destination of the discharge from the Bethany House storm drain; and
2. The possibility of quality control on-site.

Staff explained that the discharge flows through Old Farm tributary to the Cabin John Creek.

Regarding the question of quality control of runoff, Councilmember Marrinan noted staff's response that historically the City waived water quantity control on larger projects, exceeding one-third acre, but expected water quality control to be handled on-site. Below one-third acre, it is usually not practical to handle water quality on-site, as in the Bethany House case, and both water quality and water quantity are waived to the regional facility. The proposed waiver will increase the amount of waivers from 21% to 24% of the storage capacity at the proposed Montrose Park regional stormwater management facility.

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The State of Maryland is one of eight states that has stormwater management controls and, unique in Maryland, Rockville has stormwater management retrofitting which means that when a parcel is considered for stormwater management requirements, our City calculates the preexisting impervious area and, if that area had not been compensated for by acceptable SWM practices, the entire impervious area is managed. The State of Maryland considers the Rockville system an ideal system. Managing stormwater is an essential element in our State's Save the Bay Initiative. Rockville is the only jurisdiction in Maryland with a plan to handle stormwater runoff from all development in the City, not just the required post-1985 development.

Councilmember Marrinan concluded by indicating that this staff summary should be made available to the public for their understanding. He also noted that staff should review and consider for future projects the materials presented by Mr. Slovic.

Councilmember Hovsepian commented that, in discussing small area waivers, some of these things have already been tried and it would be helpful to know if Mr. Slovic's proposal is similar to something the City has already tried.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council approved the waiver for on-site stormwater management at Bethany House and acceptance of a \$9,200 contribution to the SWM fund.

Re: Adoption of Ordinance to
approve Application to Close
and Abandon Public Way, SCA-
62-91, Ward Corporation,
Applicant.

Ordinance No. 19-91

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 19-91, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to approve the abandonment of a portion of an unnamed public right-of-way located east of Southlawn Lane and north of Redgate Golf Course, SCA-62-91, Ward Corporation, Applicant.

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Re: Adoption of Ordinance to
approve Text Amendment
Application T-111-90, Farid
Srour, Applicant.

This item was deferred until the meeting of July 15, 1991.

Re: Adoption of Resolution to
conform the City of Rockville's
Admission and Amusement Tax
with the General Assembly's
recodified Admissions and
Amusement Tax Statute.

Resolution No. 15-91

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 15-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to cite the recodified State law and incorporate appropriate provisions of that law by reference.

Re: Discussion and Instructions
to Staff - feasibility of
instituting a Police Department
Special Traffic Services Unit.

The City Manager commented that, from time to time, the City receives requests from private property owners to provide specialized police services. These requests include providing police officers to assist at highly congested traffic situations such as schools during the morning rush hour. Other requests include providing assistance to pedestrians crossing busy streets for special events such as Sunday church services, large parties, etc.

Because the City does not want citizens taking this on themselves, the concept of a special traffic services unit was discussed. Such a unit would employ "citizen assistance officers" to perform the requested duties. An outline of the potential program has been provided. Because of the limited demand for this type of service, additional opportunities for service would need to be identified. If the Mayor and Council express a desire to move forward, there would be minimal start-up costs as well

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as ongoing costs to the City for services such as parking control and crowd control at major events.

A possibility suggested by Councilmember Hovsepian is to designate these individuals as a group to be responsible for monitoring the downtown parking lots on an ongoing basis.

Councilmember Marrinan feels that this proposal has a great deal of merit and suggests that the list of possible participants be expanded to include the public schools. At Wootton High School, in particular, there is a need for traffic assistance because of the difficulty encountered in entering or exiting the school parking lot.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, staff was instructed to pursue the matter in more detail.

Re: FYI/Correspondence

Councilmember Hovsepian commended staff on a number of items:

- o Ted Davis' (Water Plant Superintendent) election as president of the Water and Wastewater Association of Maryland, Delaware and the District of Columbia, and Jim Fitzgerald, Assistant Water Plant Superintendent's presentation of a paper on streaming current coagulation control.

- o Economic Development staff's efforts in monitoring solicitations for space in downtown Rockville and passing this information on to property owners who have space available.

- o Mike Critzer's appointment by the Department of Natural Resources to serve on the newly-created Green Ridge State Forest Advisory Committee. Councilmember Hovsepian indicated that this appointment would be helpful to the City as we review the wetlands situation.

- o Recommendations regarding the time limitations on development permits.

Councilmember Hovsepian also noted the article in the Building Official and

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Code Administration (BOCA) magazine highlighting the efforts of Rockville's Inspection Services Division to deliver inspection services in a community or neighborhood-oriented manner. Both Linda MacDermid and Victor Sajauskas of the Inspection Services Division contributed to the article.

Mayor Duncan referenced the request from the Principal of Julius West Middle School for assistance for their program Operation Pass (Pupil Assistance for School Success). He requested that the Advisory Commission on Public Education provide input in this matter.

With respect to the letter from Lincoln Park Civic Association regarding County police coverage in Lincoln Park, Councilmember Hovsepien was advised that although the County had planned to remove two individuals from the Lincoln Park Substation, that decision was subsequently rescinded, and the staffing level will remain the same.

Re: New Business

Mayor Duncan thanked staff for a fantastic Fourth of July celebration, indicating that this was Rockville's best fireworks display.

Re: Next Meeting

The next meeting is a public hearing night, with one public hearing on a text amendment to amend the definition of variance in the Zoning Ordinance as well as several housekeeping amendments.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:45 p.m., to convene again in Public Hearing at 7:30 p.m. on July 15, 1991, or at the call of the Mayor.